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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 BRENDA M JOHNSON,

12 Plaintiff,

13 v.

14 AMBER MILLER, *et al.*,

15 Defendants.

16 CASE NO. 3:21-cv-05539-BHS

17 ORDER ON MOTION TO RECUSE

18 This matter is before the Court on plaintiff's motion to recuse (Dkt. 7) and on referral
19 from the District Court.

20 Recusal is appropriate where "a reasonable person with knowledge of all the facts would
21 conclude that the judge's impartiality might reasonably be questioned." 28 U.S.C. § 144; *see also*
22 28 U.S.C. § 455; *Yagman v. Republic Insurance*, 987 F.2d 622, 626 (9th Cir. 1993). Recusal is
23 "justified either by actual bias or the appearance of bias." *Yagman*, 987 F.2d at 626. "In the
24 absence of specific allegations of personal bias, prejudice, or interest, neither prior adverse
rulings of a judge nor his participation in a related or prior proceeding is sufficient" to establish

1 bias. *Davis v. Fendler*, 650 F.2d 1154, 1163 (9th Cir. 1981). Judicial rulings alone “almost
2 never” constitute a valid basis for a bias or partiality motion. *Liteky v. United States*, 510 U.S.
3 540, 555 (1994). Under the Local Rules of this District,

4 Whenever a motion to recuse directed at a judge of this court is filed pursuant to 28
5 U.S.C. § 144 or 28 U.S.C. § 455, the challenged judge will review the motion
6 papers and decide whether to recuse voluntarily. If the challenged judge decides
7 not to voluntarily recuse, he or she will direct the clerk to refer the motion to the
chief judge, or the chief judge’s designee. If the motion is directed at the chief
judge, or if the chief judge or the chief judge’s designee is unavailable, the clerk
shall refer it to the active judge with the highest seniority.

8 LCR 3(f).

9 In her motion to recuse, plaintiff appears to suggest that this Court and District Judge
10 Benjamin H. Settle are disqualified from this matter because they have knowledge of a previous
11 case. *See* Dkt. 7, at 1. Specifically, she states that the “[p]rior cases would create a mistrial for
12 knowledge of prior cases administer for proceedings.” *Id.* Plaintiff lists Case No. 3:19-cv-05316-
13 BHS as the disqualifying case. *Id.* However, plaintiff has not presented any specific allegations
14 of “personal bias, prejudice, or interest” that would require either judge to recuse. *Davis*, 650
15 F.2d at 1163.

16 **CONCLUSION AND INSTRUCTIONS TO THE CLERK**

17 The Court will not voluntarily recuse itself from this case based on its involvement with
18 plaintiff’s prior cases. Therefore, this motion is **REFERRED** to Chief Judge Martinez for
19 review. The Court will thereafter address plaintiff’s motion to proceed *in forma pauperis*. Dkt. 1.

20 Dated this 16th day of August, 2021.

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23 J. Richard Creatura
Chief United States Magistrate Judge
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